

1 AMENDMENT TO SENATE BILL 361

2 AMENDMENT NO. _____. Amend Senate Bill 361 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by changing
5 Section 6p-2 and adding Section 5.595 as follows:

6 (30 ILCS 105/5.595 new)

7 Sec. 5.595. The Emergency Public Health Fund.

8 (30 ILCS 105/6p-2) (from Ch. 127, par. 142p2)

9 Sec. 6p-2. The Communications Revolving Fund shall be
10 initially financed by a transfer of funds from the General
11 Revenue Fund. Thereafter, all fees and other monies received
12 by the Department of Central Management Services in payment
13 for communications services rendered pursuant to the
14 Department of Central Management Services Law or sale of
15 surplus State communications equipment shall be paid into the
16 Communications Revolving Fund. Except as otherwise provided
17 in this Section, the money in this fund shall be used by the
18 Department of Central Management Services as reimbursement
19 for expenditures incurred in relation to communications
20 services.

21 On the effective date of this amendatory Act of the 93rd

1 General Assembly, or as soon as practicable thereafter, the
2 State Comptroller shall order transferred and the State
3 Treasurer shall transfer \$3,000,000 from the Communications
4 Revolving Fund to the Emergency Public Health Fund to be used
5 for the purposes specified in Section 55.6a of the
6 Environmental Protection Act.

7 (Source: P.A. 91-239, eff. 1-1-00; 92-316, eff. 8-9-01.)

8 Section 10. The Environmental Protection Act is amended
9 by changing Sections 55 and 55.8 and adding Section 55.6a as
10 follows:

11 (415 ILCS 5/55) (from Ch. 111 1/2, par. 1055)

12 Sec. 55. Prohibited activities.

13 (a) No person shall:

14 (1) Cause or allow the open dumping of any used or
15 waste tire.

16 (2) Cause or allow the open burning of any used or
17 waste tire.

18 (3) Except at a tire storage site which contains
19 more than 50 used tires, cause or allow the storage of
20 any used tire unless the tire is altered, reprocessed,
21 converted, covered, or otherwise prevented from
22 accumulating water.

23 (4) Cause or allow the operation of a tire storage
24 site except in compliance with Board regulations.

25 (5) Abandon, dump or dispose of any used or waste
26 tire on private or public property, except in a sanitary
27 landfill approved by the Agency pursuant to regulations
28 adopted by the Board.

29 (6) Fail to submit required reports, tire removal
30 agreements, or Board regulations.

31 (b) (Blank.)

32 (b-1) Beginning January 1, 1995, no person shall

1 knowingly mix any used or waste tire, either whole or cut,
2 with municipal waste, and no owner or operator of a sanitary
3 landfill shall accept any used or waste tire for final
4 disposal; except that used or waste tires, when separated
5 from other waste, may be accepted if: (1) the sanitary
6 landfill provides and maintains a means for shredding,
7 slitting, or chopping whole tires and so treats whole tires
8 and, if approved by the Agency in a permit issued under this
9 Act, uses the used or waste tires for alternative uses, which
10 may include on-site practices such as lining of roadways with
11 tire scraps, alternative daily cover, or use in a leachate
12 collection system or (2) the sanitary landfill, by its
13 notification to the Illinois Industrial Materials Exchange
14 Service, makes available the used or waste tire to an
15 appropriate facility for reuse, reprocessing, or converting,
16 including use as an alternate energy fuel. If, within 30
17 days after notification to the Illinois Industrial Materials
18 Exchange Service of the availability of waste tires, no
19 specific request for the used or waste tires is received by
20 the sanitary landfill, and the sanitary landfill determines
21 it has no alternative use for those used or waste tires, the
22 sanitary landfill may dispose of slit, chopped, or shredded
23 used or waste tires in the sanitary landfill. In the event
24 the physical condition of a used or waste tire makes
25 shredding, slitting, chopping, reuse, reprocessing, or other
26 alternative use of the used or waste tire impractical or
27 infeasible, then the sanitary landfill, after authorization
28 by the Agency, may accept the used or waste tire for
29 disposal.

30 Sanitary landfills and facilities for reuse,
31 reprocessing, or converting, including use as alternative
32 fuel, shall (i) notify the Illinois Industrial Materials
33 Exchange Service of the availability of and demand for used
34 or waste tires and (ii) consult with the Department of

1 Commerce and Community Affairs regarding the status of
2 marketing of waste tires to facilities for reuse.

3 (c) ~~On or before January 1, 1990,~~ Any person who sells
4 new or used tires at retail or operates a tire storage site
5 or a tire disposal site which contains more than 50 used or
6 waste tires shall give notice of such activity to the Agency.
7 Any person engaging in such activity for the first time after
8 January 1, 1990, shall give notice to the Agency within 30
9 days after the date of commencement of the activity. The
10 form of such notice shall be specified by the Agency and
11 shall be limited to information regarding the following:

- 12 (1) the name and address of the owner and operator;
- 13 (2) the name, address and location of the
14 operation;
- 15 (3) the type of operations involving used and waste
16 tires (storage, disposal, conversion or processing); and
- 17 (4) the number of used and waste tires present at
18 the location.

19 (d) Beginning January 1, 1992, no person shall cause or
20 allow the operation of:

- 21 (1) a tire storage site which contains more than 50
22 used tires, unless the owner or operator, by January 1,
23 1992 (or the January 1 following commencement of
24 operation, whichever is later) and January 1 of each year
25 thereafter, (i) registers the site with the Agency, (ii)
26 certifies to the Agency that the site complies with any
27 applicable standards adopted by the Board pursuant to
28 Section 55.2, (iii) reports to the Agency the number of
29 tires accumulated, the status of vector controls, and the
30 actions taken to handle and process the tires, and (iv)
31 pays the fee required under subsection (b) of Section
32 55.6; or

- 33 (2) a tire disposal site, unless the owner or
34 operator (i) has received approval from the Agency after

1 filing a tire removal agreement pursuant to Section 55.4,
2 or (ii) has entered into a written agreement to
3 participate in a consensual removal action under Section
4 55.3.

5 The Agency shall provide written forms for the annual
6 registration and certification required under this subsection
7 (d).

8 (e) No person shall cause or allow the storage,
9 disposal, treatment or processing of any used or waste tire
10 in violation of any regulation or standard adopted by the
11 Board.

12 (f) No person shall arrange for the transportation of
13 used or waste tires away from the site of generation with a
14 person known to openly dump such tires.

15 (g) No person shall engage in any operation as a used or
16 waste tire transporter except in compliance with Board
17 regulations.

18 (h) No person shall cause or allow the combustion of any
19 used or waste tire in an enclosed device unless a permit has
20 been issued by the Agency authorizing such combustion
21 pursuant to regulations adopted by the Board for the control
22 of air pollution and consistent with the provisions of
23 Section 9.4 of this Act.

24 (i) No person shall cause or allow the use of pesticides
25 to treat tires except as prescribed by Board regulations.

26 (j) No person shall fail to comply with the terms of a
27 tire removal agreement approved by the Agency pursuant to
28 Section 55.4.

29 (Source: P.A. 92-574, eff. 6-26-02.)

30 (415 ILCS 5/55.6a new)

31 Sec. 55.6a. Emergency Public Health Fund.

32 (a) Beginning on July 1, 2003, moneys in the Emergency
33 Public Health Fund, subject to appropriation, shall be

1 allocated annually as follows: (i) \$200,000 to the Department
2 of Natural Resources for the purposes described in Section
3 55.6(c)(6) and (ii) subject to subsection (b) of this
4 Section, all remaining amounts to the Department of Public
5 Health to be used to make vector control grants and
6 surveillance grants to the Cook County Department of Public
7 Health (for areas of the County excluding the City of
8 Chicago), to the City of Chicago health department, and to
9 other certified local health departments. These grants shall
10 be used for expenses related to West Nile Virus and other
11 vector-borne diseases. The amount of each grant shall be
12 based on population and need as supported by information
13 submitted to the Department of Public Health. For the
14 purposes of this Section, need shall be determined by the
15 Department based primarily upon surveillance data and the
16 number of positive human cases of West Nile Virus and other
17 vector-borne diseases occurring during the preceding year and
18 current year in the county or municipality seeking the grant.

19 (b) Beginning on July 31, 2003, on the last day of each
20 month, the State Comptroller shall order transferred and the
21 State Treasurer shall transfer fees collected in the previous
22 month pursuant to item (1.5) of subsection (a) of Section
23 55.8 from the Emergency Public Health Fund to the
24 Communications Revolving Fund. These transfers shall
25 continue until the cumulative total of the transfers is
26 \$3,000,000.

27 (415 ILCS 5/55.8) (from Ch. 111 1/2, par. 1055.8)
28 Sec. 55.8. Tire retailers.

29 (a) Beginning July 1, 1992, any person selling new or
30 used tires at retail or offering new or used tires for retail
31 sale in this State shall:

32 (1) collect from retail customers a fee of one
33 dollar per new and used tire sold and delivered in this

1 State to be paid to the Department of Revenue and
2 deposited into the Used Tire Management Fund, less a
3 collection allowance of 10 cents per tire to be retained
4 by the retail seller and a collection allowance of 10
5 cents per tire to be retained by the Department of
6 Revenue and paid into the General Revenue Fund;

7 (1.5) beginning on July 1, 2003, collect from
8 retail customers an additional 50 cents per new or used
9 tire sold and delivered in this State. The money
10 collected from this fee shall be deposited into the
11 Emergency Public Health Fund. This fee shall no longer
12 be collected beginning on January 1, 2008.

13 (2) accept for recycling used tires from customers,
14 at the point of transfer, in a quantity equal to the
15 number of new tires purchased; and

16 (3) post in a conspicuous place a written notice at
17 least 8.5 by 11 inches in size that includes the
18 universal recycling symbol and the following statements:
19 "DO NOT put used tires in the trash."; "Recycle your used
20 tires."; and "State law requires us to accept used tires
21 for recycling, in exchange for new tires purchased."

22 (b) A person who accepts used tires for recycling under
23 subsection (a) shall not allow the tires to accumulate for
24 periods of more than 90 days.

25 (c) The requirements of subsection (a) of this Section
26 do not apply to mail order sales nor shall the retail sale of
27 a motor vehicle be considered to be the sale of tires
28 at retail or offering of tires for retail sale. Instead of
29 filing returns, retailers of tires may remit the tire user
30 fee of \$1.00 per tire to their suppliers of tires if the
31 supplier of tires is a registered retailer of tires and
32 agrees or otherwise arranges to collect and remit the tire
33 fee to the Department of Revenue, notwithstanding the fact
34 that the sale of the tire is a sale for resale and not a sale

1 at retail. A tire supplier who enters into such an
2 arrangement with a tire retailer shall be liable for the tax
3 on all tires sold to the tire retailer and must (i) provide
4 the tire retailer with a receipt that separately reflects the
5 tire tax collected from the retailer on each transaction and
6 (ii) accept used tires for recycling from the retailer's
7 customers. The tire supplier shall be entitled to the
8 collection allowance of 10 cents per tire.

9 The retailer of the tires must maintain in its books and
10 records evidence that the appropriate fee was paid to the
11 tire supplier and that the tire supplier has agreed to remit
12 the fee to the Department of Revenue for each tire sold by
13 the retailer. Otherwise, the tire retailer shall be directly
14 liable for the fee on all tires sold at retail. Tire
15 retailers paying the fee to their suppliers are not entitled
16 to the collection allowance of 10 cents per tire.

17 (d) The requirements of subsection (a) of this Section
18 shall apply exclusively to tires to be used for vehicles
19 defined in Section 1-217 of the Illinois Vehicle Code,
20 aircraft tires, special mobile equipment, and implements of
21 husbandry.

22 (e) The requirements of paragraph (1) of subsection (a)
23 do not apply to the sale of reprocessed tires. For purposes
24 of this Section, "reprocessed tire" means a used tire that
25 has been recapped, retreaded, or regrooved and that has not
26 been placed on a vehicle wheel rim.

27 (Source: P.A. 90-14, eff. 7-1-97.)

28 Section 99. Effective date. This Act takes effect upon
29 becoming law."